

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KAREN WALD,

Plaintiff,

-against-

**DECLARATION IN SUPPORT
OF DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT**

17 CV 3560 (WFK)(SJB)

THE DEPARTMENT OF EDUCATION OF THE
CITY OF NEW YORK, and THE CITY SCHOOL
DISTRICT OF THE BOARD OF EDUCATION OF
THE CITY OF NEW YORK,

Defendants.
-----X

BRUCE ROSENBAUM declares under penalty of perjury and pursuant to 28
U.S.C. § 1746, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the Office of Zachary W. Carter,
Corporation Counsel of the City of New York, attorney for Defendant Board of Education of the
City School District of the City of New York (hereinafter “BOE”) (also known as and sued
herein as “The Department of Education of the City of New York”), in the above-captioned
action.

2. I submit this declaration in support of defendant’s motion for summary
judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure and it is based on the
books and records maintained by the BOE.

3. Annexed hereto as Exhibits “A” to “N” are documents and excerpts from
the depositions taken of the plaintiff and other witnesses who gave deposition testimony in this
action which are relied upon and cited in defendant’s local civil rule 56.1 statement of
undisputed material facts, and in defendant’s memorandum of law, submitted herewith in support
of defendant’s motion. These documents and excerpts are as follows:

- Exhibit A: A copy of Plaintiff's Complaint, filed on May 25, 2017, in the Supreme Court, County of Kings, and later removed to this Court, is annexed hereto as Exhibit "A."
- Exhibit B: A copy of Plaintiff's Charge of Discrimination with the Equal Employment Opportunity Commission, stamped "received" on July 12, 2016, and Right to Sue Letter is annexed hereto as Exhibit "B."
- Exhibit C: A copy of excerpts of the transcript of the deposition of plaintiff Karen Wald, taken on February 1, 2018, is annexed hereto as Exhibit "C."
- Exhibit D: A copy of excerpts of the transcript of the deposition of BOE Superintendent Rose-Marie Mills, taken on April 10, 2018, is annexed hereto as Exhibit "D."
- Exhibit E: A copy of Plaintiff's schedules for 2014-2015 and 2015-2016 school years is annexed hereto as Exhibit "E."
- Exhibit F: A copy of Schedule Change Form emailed by Plaintiff on June 14, 2015, and related emails is annexed hereto as Exhibit "F."
- Exhibit G: A copy of an OACE Placement Center Teacher Schedule Form dated June 29, 2015 is annexed hereto as Exhibit "G."
- Exhibit H: A copy of Emails between Plaintiff and Superintendent Rose-Marie Mills dated July 2, 2015 is annexed hereto as Exhibit "H."
- Exhibit I: A copy of Plaintiff's Accommodation Request Form is annexed hereto as Exhibit "A."
- Exhibit J: A copy of Plaintiff's Application for Hardship Transfer is annexed hereto as Exhibit "J."
- Exhibit K: A copy of BOE Medical Accommodation Determination letter is annexed hereto as Exhibit "K."
- Exhibit L: A copy of Emails between Superintendent Rose-Marie Mills and BOE Disability Coordinator William Brewton dated October 5-6, 2015 is annexed hereto as Exhibit "L."
- Exhibit M: A copy of Letter to Plaintiff from BOE partially granting accommodation is annexed hereto as Exhibit "M."

Exhibit N: A copy of Plaintiff's application for retirement leave of absence is annexed hereto as Exhibit "N."

4. All of these documents are admissible in evidence as transcripts of depositions taken in this action, or as business records kept by defendant in the ordinary course of business, or public or court records, as documents produced by plaintiff during the discovery period, or are documents of which plaintiff had knowledge and upon which plaintiff relied in bringing this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 22, 2018

/s/ Bruce Rosenbaum

Bruce Rosenbaum
Assistant Corporation Counsel

J. Kevin Shaffer,*

*Application for Admission Pending